

PLANNING COMMISSION MINUTES OF MARCH 27, 2006**Planning Commissioner attendance at City Council Meetings**

Chair Hungerford provided an introduction of this item explaining that there have been requests that when there is an item on the City Council agenda that the Planning Commission has heard that a Planning Commissioner attend the City Council meeting to represent the majority view of the Planning Commission. He said that individually each of the Planning Commissioners have very busy schedules that prevent regular attendance to City Council meetings, but possibly collectively there maybe a way to provide representation to speak on behalf of the Commission. He said this item is being discussed tonight to determine a process to appoint another Commissioner to attend the Council meeting if the Chair is unable to attend. He offered several suggestions for selecting an alternate representative including the Chair selecting or asking for a representative, or the Commission reviewing the upcoming items scheduled and selecting the appropriate representative based on the agenda item and availability of attendance.

Vice Chair Fussell said he would like to see the attendee selection based on a case-by-case basis. He said his recommendation is to review with staff what Council agenda items are coming up, determine if representation is needed and then determine who would attend.

Comm. Klein commented that he thinks the Chair should be the ad hoc representative and that the Chair should have the authority to appoint another Commissioner to attend if he is unable to attend or does not feel he should be the representative for particular topics.

The Commission discussed additional concerns and possibilities related to this issue including: whether the whole burden of representation should be placed on the Chair; the difficulty of one representative being able to adequately represent the majority view of the Planning Commission; having the vote or authority to represent the Commission as advised by the City Attorney's office; the timing between Council and Planning Commission meetings; and the Chair attending the meetings or selecting a representative to present the majority view of an issue.

Vice Chair Fussell asked staff what the suggested direction would be for the outcome of this discussion. **Trudi Ryan**, Planning Officer, explained options for making a motion, but also added that the Commission is not required to take action on this item if they choose to review it as a discussion only item.

Comm. Klein asked staff if it would be a valid motion for the Chair to appoint a Commissioner to attend the Council meetings outside the structure of the Planning Commission meetings. **Rebecca Moon**, Assistant City Attorney, said that this would be acceptable, but that the Chair and Commissioners would need to avoid getting into extended conversations or e-mails as this could be a violation of the Brown Act. Comm. Klein asked if it might be better to have the Chair go through the Planning staff. Ms. Moon said that having a designated order of the selection of a representative would be a good option. Ms. Ryan said if the Chair appoints an alternate and the alternate changes, then the Chair should contact staff to assist in finding the next representative.

Chair Hungerford opened the public hearing.

Harriet Rowe, a Sunnyvale resident, said that she wanted to clarify, for any public listening, that the Planning Commissioners are volunteers and having additional evening responsibilities beyond Planning Commission meetings may be difficult. She said she liked Comm. Klein's suggestion about the maker of the motion being the alternate representative if the Chair cannot attend and that whoever the representative is that she would like to see them represent both sides if the vote was not unanimous.

Ron Swegles, Mayor of Sunnyvale, said he is glad the Planning Commission is discussing this subject as the City Council values the Planning Commission input. He said recently at a Council Meeting late information, that the Planning Commission had not considered, came in on a Planning related item and the Council would have liked to have had a Planning Commissioner present to provide input about whether the late information might possibly change the Planning Commissions' recommendation. He said it would be good to have a Planning Commissioner available for comment.

Comm. Klein said it is a little difficult for one Commissioner to speak on behalf of all the Commissioners and to be able to determine whether the rest of the Commission would possibly change a recommendation. He said that if the information has changed after the Planning Commission has already heard an item that possibly the item should be returned to Planning Commission for further consideration. He also welcomed the Council to attend the Planning Commission meetings.

Mayor Swegles said that the Council considered returning the item to Planning Commission, but the process could postpone a project for a long time. He said at this particular meeting, the number of public that attended and spoke extended the meeting by 2 ½ hours and that with the amount of public present it seemed best to address the item at this Council meeting.

Chair Hungerford closed the public hearing.

Chair Hungerford said he appreciates Ms. Rowe's comments as the Planning Commissioners would like to attend the Council meetings, but due to personal schedules it is sometimes not possible to attend on a regular basis.

Vice Chair Fussell commented that this evening's discussion is more a process discussion and that there are many issues that Planning Commissioners would like to represent at the City Council meetings.

Comm. Klein made a motion that the Chair be the representative for the Planning Commission to speak on items going to the City Council and if the Chair cannot attend the meeting, the Chair can appoint an appropriate representative in his stead. If the first alternate cannot attend, the Chair would work with the Planning staff to choose the next alternate. Chair Hungerford asked if the first alternate would be the maker of the motion of the issue being heard by Council. **Vice Chair Fussell seconded. Vice Chair Fussell offered a Friendly Amendment that a standing item be added to the Planning Commission agenda entitled "Planning Commissioner attendance at Council Meetings."** He requested that the standing item be discussed each meeting after staff has provided the information about upcoming Planning related items on the Council Agenda. Comm. Klein did not accept the Friendly Amendment. After further discussion between Commissioners and staff, Vice Chair Fussell requested that the Friendly Amendment be modified to have the agenda item on the **next three Planning Commission meetings** to determine the effectiveness of the discussions. **Comm. Klein accepted the modified Friendly Amendment.**

Chair Hungerford commented that having the chance to discuss items at the Planning Commission would allow different Commissioners to attend the Council meetings on the items they feel strongly about. He also said that it may be beneficial to know further in advance who would be attending on behalf of the Planning Commission and that it could possibly be included in the report.

Comm. Klein and staff determined that the staff would work with the Ms. Moon to determine the best way to structure this new item on the agenda.

Ms. Ryan restated the motion that **the Planning Commission Chair is designated as the representative of the Planning Commission at City Council meetings to speak on items heard by the Planning Commission. If the Chair is unable to attend the Council meeting, the Chair will appoint a representative. The first choice for the representative will be the maker of motion for each specific item. If the maker of the motion is not available then the Chair will contact staff to contact other Planning Commissioners who can attend to speak on the behalf of the majority of the motion. Planning Commission directed that the agenda item, "Planning Commissioner attendance at City Council Meetings" be included on the**

next three Planning Commission agendas to identify which items are going to Council.

Ms. Ryan reviewed the Planning related items coming up on future agendas.

Final Action:

Comm. Klein made a motion for the Planning Commission Chair to be the designated representative of the Planning Commission at City Council meetings to speak on items heard by the Planning Commission. If the Chair is unable to attend the Council meeting, the Chair will appoint a representative. The first alternate for the representative will be the maker of the motion for each specific item. If the maker of the motion is not able to attend then the Chair will contact staff to contact alternate Planning Commissioners to attend the Council meeting to speak on the behalf of the majority of the motion. The Commission directed staff to include an agenda item, "Planning Commission Attendance at City Council Meetings" to be included on the next three meetings of April 10, April 24 and May 8. Vice Chair Fussell seconded.

Motion carried unanimously, 4-0, Comm. Babcock and Comm. Simons absent.

This item is not appealable.